

**BETHLEHEM AUTHORITY  
BETHLEHEM, PA**

**MINUTES OF REGULAR MEETING**

**JUNE 8, 2006**

The regular meeting of the Board of Directors of the Bethlehem Authority was held on June 8, 2006, in the lower level conference room of the Bethlehem Public Library, 11 W. Church Street, Bethlehem, PA. The meeting was called to order at 3:00 PM by Chairman Richard Master, with the following in attendance:

**BETHLEHEM AUTHORITY**

James L. Broughal, Solicitor  
David T. DiGiacinto, Vice Chairman  
Mark P. Jobes, Assistant Secretary/Treasurer (Late Arrival)  
Richard L. Master, Chairman  
Thomas J. McDonald, Controller  
Daniel L. Meixell, Special Police Officer  
Stephen Repasch, Executive Director  
Sandra L. Reppert, Administrative Assistant  
John J. Tallarico, Jr., Secretary

David Applegate, Schoor DePalma, Authority Engineer  
Dennis Tracey, Schoor DePalma, Authority Engineer  
Donald P. Oaks, CF, Authority Forester

**CITY OF BETHLEHEM**

Jeffrey Andrews, Superintendent of Water Supply and Treatment  
Jean Belinski, Councilwoman  
David Brong, Director of Water and Sewer Resources  
Karen Dolan, Councilwoman  
Gordon Mowrer, Councilman  
Magdalena Szabo, Councilwoman

**THE BETHLEHEM PRESS**

Greg Rogers

**THE EXPRESS TIMES**

Kurt Bresswein

**THE MORNING CALL**

Nicole Radzievich

The focus of today's meeting will be on the redesignation of the Tunkhannock Creek from High Quality to Exceptional Value status.

On a motion by Mr. DiGiacinto and seconded by Mr. Tallarico, the minutes from the May 11, 2006 meeting were approved unanimously by voice vote.

### **COURTESY OF THE FLOOR AND RECOGNITION OF VISITORS**

Mr. Master recognized Mr. Bruce Stetler, Lehigh Mountain resident. Mr. Stetler is interested in updates on the land sale to Lehigh County, particularly if the survey has been completed. The survey has not been completed. It was announced that a press conference has been scheduled for June 14<sup>th</sup> relative to the Growing Greener Grant funds Lehigh County has received for the purchase of this land.

### **REPORT OF THE CHAIRMAN**

**Confirmation and Appointment of New Executive Director.** Mr. Master introduced Mr. Stephen Repasch as the new Executive Director of the Bethlehem Authority. Mr. Repasch is well recognized and respected in the community and had been with the Lehigh County Authority for 30 years. His vast experience and credentials are a perfect fit for the goals and objectives of the Authority.

A motion by Mr. DiGiacinto to appoint Mr. Stephen Repasch as Executive Director of the Bethlehem Authority was seconded by Mr. Jobs and approved unanimously by voice vote.

### **REPORT OF THE VICE-CHAIRMAN**

Nothing to report.

### **REPORT OF THE CONTROLLER**

Mr. McDonald's report for the month ended May 31, 2006, as filed in the Board book, was accepted without comment.

Mr. McDonald reported that the \$329,926.00 increase in the funds at May 31<sup>st</sup> is due to the debt service payment of \$318,050.00 due June 1<sup>st</sup>. He also reported that his audit for the fiscal year ending December 31, 2005, has been completed and submitted to the State. The Board has received a copy of the audit, and would like a formal presentation at July's meeting.

### **REPORT OF THE SOLICITOR**

Nothing to report.

## **REPORT OF THE CONSULTING ENGINEER**

Schoor DePalma's report, as filed in the Board book, was accepted without comment.

## **REPORT OF THE BETHLEHEM AUTHORITY SPECIAL POLICE**

Officer Meixell's report, as filed in the Board book, was accepted without comment.

## **WATER REPORT**

The Water Report, as filed in the Board book, was accepted without comment. For the record, the reservoirs are at 100% capacity, there is ~16.5MGD of water being treated at the filtration plant, and there has been 2.26 inches of rain for the month of May.

## **REPORT OF DIRECTOR OF WATER AND SEWER RESOURCES, CITY OF BETHLEHEM**

At May 31, 2006, the balance in the water fund is ~\$2.3 million.

## **OLD BUSINESS**

**Agreement of Sale with Lehigh County for Salisbury Township Land Update.** Lehigh County needs to have the survey of the parcel completed and reviewed by the Authority and the City. Once it is approved, settlement can take place at anytime thereafter.

**Mt. Pocahontas Property Update.** The Authority has received the appraisal of the Mt. Pocahontas property. (This property is outside the watershed adjacent to a housing development and there are encroachment issues.) The appraised value of the parcel is \$135,000.00. The Board feels the valuation is low and a consensus on the appropriate selling/listing price needs to be established. Mr. Repasch will work with the real estate agent on the listing agreement to be presented for approval at July's meeting.

## **APPROVAL OF BILLS**

Mr. Master presented Resolution 266, Approval of Bills, to the Board for consideration and approval.

Mr. Master reported on a meeting held earlier this day with Mr. David Brong and Mr. Dennis Reichard regarding the water capital appropriation invoice in the amount of \$150,962.51. The discussion concerned certain computer hardware and software purchases. According to Mr. Brong, these expenses are capitalized (as they are used to run the business) and have a useful life of five years or more. These particular items were in the approved 2006 budget (\$5,000.00) and charged to the Authority accordingly.

Board of Directors/RegularMeeting/8June2006

The Board feels this type of expense, among others, is not at the minimum level it considers as a capital expense. Going forward, smaller expense items will not be considered as part of the capital budget.

A motion by Mr. DiGiacinto to approve Resolution 266 was seconded by Mr. Tallarico and approved unanimously by voice vote.

### **TUNKHANNOCK CREEK REDESIGNATION (List of Attendees Attached)**

A petition to upgrade the designation of the Tunkhannock Creek from High Quality to Exceptional Value was filed with the Pennsylvania Department of Environmental Protection (DEP) by the Tobyhanna Creek/Tunkhannock Creek Watershed Association in March, 2005. The petition was accepted on June 21, 2005, by the Environmental Quality Board (EQB) to study the Tunkhannock Creek for this change in status.

The Authority owns 9,000 acres of watershed lands on the Tunkhannock Plateau, which serve as a secondary water supply to the system. A change in status of the creek could have an impact on timbering activities, land value, development capability, water quality, and the ability to withdrawal water from the creek. Today's discussions should help clarify these issues.

**City of Bethlehem.** The Tunkhannock watershed is a secondary source of water for the City of Bethlehem. The last withdrawal from the creek was in 2001, and prior to that during the Penn Forest Dam construction in 1998. The intake at the upper section of the creek is most important to the water system; the middle and lower sections of the creek are (currently) not as significant. In the 1960's, the intentions were to put ground water wells in the middle section to pump water to the (upper) intake and to possibly build a third reservoir in the lower section (near the Pocono International Raceway). Sustaining or enhancing the quality of the creek is very important. Equally important is making sure there are no usage or forest management restrictions if the creek is re-designated.

Mr. Broughal clarified for the Board that the City's main interests are the ability to withdrawal water from the Tunkhannock Creek and to implement the forest management program that has been devised over the last five years.

Mr. Antalics, Bethlehem citizen, questioned what the impact would be if the Authority were an operating authority versus a financial authority. There is no bearing whatsoever.

**PA Department of Environmental Protection.** Mr. Rick Shertzer, Chief of Water Quality Standards, PA DEP, explained all streams are labeled with appropriate uses (aquatic life, water supply, recreation, etc.), the criteria to protect the uses (concentration of pollutants), and anti-degradation labels. Tunkhannock Creek is designated High Quality (HQ) to support coldwater fish. (It is believed this rating was bestowed in the late 1960's when the area was considered a conservation area.) There are provisions for waivers or exemptions with an HQ rating. With an Exceptional Value (EV) rating, waivers and exemptions are removed and the requirements to maintain quality are absolute. An EV rating can potentially have an impact property value. High density housing or industrial projects would be difficult to pursue; however planning and land use does not change as long as the water quality requirements related to sewage treatment discharge are compliant.)

Mr. Carl Croft, Downingtown, PA, and member of Tunkhanna Fishing Association, commented on the development of malls, office space and homes near the Great Valley stream, which was re-designated to an EV stream. Spray irrigation is used as the alternative discharge method.

Mr. Broughal questioned if the City will be required to obtain an individual (NPDES) permit as it pertains to the forest management and timbering plan. Mr. Darryl Speicher from Monroe County Conservation District explained general permits allow for a temporary stream crossing in EV waters, but an individual permit would be required for a permanent stream crossing.

Mr. Tony Shaw, DEP, explained the petition is for the entire Tunkhannock Creek and surrounding area. Several locations in the entire watershed were sampled to accommodate the petition. The entire creek or portions of it can be re-designated to EV based on the scientific evidence. Once these samples are analyzed, the EQB will make its final decision by spring, 2007. (DEP conducts biological sampling during the period of November through May and results are compared with the EV criteria) The Authority would have to offer factual information for a significant impact – pro or con – on the EQB's decision by letter or in person at a public hearing.

Mr. Francis Altemose, Tunkhannock Township Supervisor, stated Tunkhannock Township spent approximately one year studying the petition. The township supports the petition. An EV rating of the Tunkhannock Creek will ensure that high efficiency sewage treatment plants are constructed in the township that will not degrade the creek.

Mr. Don Oaks, CF and Authority Forester, questioned the sampling conducted by the DEP. Mr. Shertzer explained the criteria for testing can be found in PA Code Chapter 93 of Title 25. If an EV rating is achieved, the DEP's effort for monitoring is to implement a 6 – 7 year cycle with local issues spot-checked.

### **Monroe County Conservation District**

Mr. Darryl Speicher, Environmental Educator with Monroe County Conservation District (MCCD), explained their objective is to conserve water and soil resources (wetlands, waterways, soil erosion control). MCCD supports the petition. Monroe County is one of the fastest growing counties in PA. 95% of its streams are rated HQ or EV. If the Tunkhannock Creek is re-designated to EV, there are general permits that will no longer apply. Temporary stream crossing will be allowed under a general permit; minor and permanent stream crossing will require an individual permit.

Board of Directors/RegularMeeting/8June2006

Mr. Speicher then explained their sampling protocol. Kick sampling is done and (optimally) when flow is low. Source headwaters of the Tunkhannock Creek above the City's intake are optimal. Midstream is sub-optimal, but has most EV wetlands in the state. The lower end of stream is impaired, but this is a naturally occurring condition due to highly tannic and acidic water. Where Tunkhannock Creek meets Tobyhanna Creek, water rises to optimal again. The endangered species in this habitat are listed in The Nature Conservancy's study.

Mr. Broughal stated his understanding of the law is that the disturbance of more than 5 acres of land requires an individual permit. DEP responded that silvaculture is exempt from that part of an individual permit but not exempt from earth disturbance of 25 acres or more. The Authority needs to evaluate the impact an EV rating will have on its forest management plan. Mr. Oaks will investigate and report to the Board on this particular matter.

### **Clean Water Action**

Mr. Rick Loomis thanked the Board for allowing his group to be a part of this information gathering meeting.

Ms. Barbara Smith, Esquire, Former DEP Lawyer, and Member of the Tobyhanna Creek/Tunkhanna Creek Watershed Association, explained the petition is for the full stretch of the Tunkhannock Creek and its tributaries. Tunkhannock Creek has the highest plant and animal diversity in PA. One of the criteria for an EV rating is exceptional ecological. This was one of the major factors in filing the petition.

The petitioners do not want the Tunkhannock Creek to experience the degradation that results from improper discharge. Monroe County is the second fastest growing county in PA. There are two casino applications for the Poconos, outside of the watershed. Big Boulder has a sewage treatment plant that discharges into an unnamed tributary which flows into Tunkhannock Creek. Tobyhanna Creek has eight sewage treatment plants that discharge into it and the creek is experiencing degradation.

The City's water allocation permit was just renewed for 12MGD for the next 25 years. An EV rating will not affect this permit. The forest regeneration plan is excellent and herbicide application will not be affected (EPA governed). There is no affect on road repair activities. There are no additional responsibilities that would need to be undertaken. The major impact is from sewage treatment plants, which are treated differently in EV versus HQ waters. The Authority's decision to support or not support the petition will have no affect on the EQB decision.

### **COURTESY OF THE FLOOR**

Councilwoman Dolan would like City Council to respond to the questions and concerns they received from citizens on this issue. She feels the City's position is a statement of science, the recognition that the Tunkhannock Creek is unique in nature, and the Authority's plan to protect it, since it serves as the City's secondary source of water.

For the record, Mr. Master stated the Bethlehem Authority is a financial authority and the owner of the watershed lands, which provide the security for the debt held by the Authority for the City of Bethlehem. The City operates the water system. The value of the land is significant and must be assessed in addition to the environmental and operational interests. There should be a consensus among the Authority, City Council and City Administration to support or not support the petition.

Councilwoman Szabo commended the Authority Board for their pro-activeness concerning this matter.

### **ADJOURNMENT**

On a motion by Mr. DiGiacinto, seconded by Mr. Tallarico, and approved unanimously by voice vote, the regular meeting was adjourned at 5:28 PM.

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John J. Tallarico, Jr., Secretary

## BETHLEHEM AUTHORITY

### Regular Meeting

June 8, 2006

### GUESTS IN ATTENDANCE

Tony Shaw, PA DEP, Harrisburg, PA  
Rick Shertzer, PA DEP, Harrisburg, PA  
Magdalena F. Szabo, City Council, Bethlehem, PA  
Hank Dannecker, Sr., Long Pond, PA  
Don Oaks, Bethlehem Authority Forester  
Stephen Antalics, Bethlehem, PA  
David K. McGuire, LV Sierra Club, 223 N. 19<sup>th</sup> Street, Allentown, PA 18104  
Barbara L. Smith, Esq., Tobyhanna Creek/Tunkhannock Creek Watershed Assoc., PO Box 296, Pocono Lake, PA  
Darryl Speicher, Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360  
David Freeman, 555 Spring St., #304, Bethlehem, PA 18018  
Dick Wilson, Tunkhanna Fishing Assoc., 2876 Parkview Circle, Emmaus, PA 18049  
Nicole Radzievich, The Morning Call  
Carl K. Croft, Tunkhanna Fishing Assoc., 6 Sussex Place, Downingtown, PA 19335  
Andrew Schweitzer, PA DEP, Bethlehem Field Office  
Gordon Mowrer, City Council, Bethlehem, PA  
James M. Coxe, 1863 Richmond Avenue, Bethlehem, PA 18018  
Karen Dolan, City Council, 55 Bridle Path Rd., Bethlehem, PA 18017  
Rick Loomis, Clean Water Action, 1124 Tilghman St., Allentown, PA 18102  
Patricia Smith-Mendsen, CWA Committee, 522 12<sup>th</sup> Avenue, Bethlehem, PA 18018  
Kurt Bresswein, The Express Times  
Jim Davenport, HC 1, Box 1364, Blakeslee, PA 18610  
Francis A. Altemose II, HC 62, Box 17, Long Pond, PA 18334 (Tunkhannock Township Supervisor)  
Jean Belinski, City Council, Bethlehem, PA